

## REMARKS

Reconsideration of this application, as amended, is respectfully requested.

This application has been reviewed in light of the Office Action of the United States Patent and Trademark Office dated July 26, 2005. It is gratefully acknowledged that the Examiner has found allowable subject matter in Claims 7, 8, 14, 15, 22, 23, 35, 36, 42, 43, 50, and 51.

Claims 1-15, 19-23, 29-43, and 47-51 are currently pending in the present application. As shown above, Claims 1, 3-6, 8-9, 11-13, 15, 19, 21, 23, 29, 31-34, 36-37, 39-41, 43, 47, 49, and 51 have been amended.

In the Office Action, the Examiner has again rejected Claims 1-6, 9-13, 29-34, 37-41, and 47-49 under 35 U.S.C. § 103(a) as being unpatentable over *Padovani et al.* (U.S. 6,574,211) in view of *Laroia et al.* (U.S. 6,708,040). More specifically, the Examiner has rejected independent Claims 1, 9, 19, 29, 37, and 47, as being unpatentable over *Padovani* in view of *Laroia*. The Examiner asserts that *Padovani* discloses all the elements of Claims 1, 9, 19, 29, 37, and 47, except for transmitting a signal requesting termination of the retransmission of the data packet to the AN if no errors are found, which is allegedly disclosed in *Laroia*. It is again respectfully submitted that the Examiner is incorrect.

As previously argued, in the present invention, a measurement of a forward signal is compared with a threshold in order to determine an accuracy of a forwardly received data packet. That is, all pending claims of the present invention are directed to determining if data is decoded according to a received C/I, or before decoding data, transmitting a signal requesting termination of retransmission of a data packet according to a received C/I.

More specifically, and referring to Claims 1 and 29, a mobile station checks an error of a data packet only when a received C/I is higher than a threshold. When the received C/I is lower

than the threshold, the mobile station removes an operation of unnecessarily decoding a data packet having a high probability of an error.

Referring to Claims 9 and 37, when the received C/I excesses a high-level threshold, the mobile station identifies the data packet where the probability to include an error is every low, and then directly transmits the signal requesting termination of retransmission (ACK).

Referring to Claims 16 and 44, when the received C/I is less than a low-level threshold, even through retransmission is requested, the mobile station determines that it is difficult to normally receive the data packet, and then directly transmits the signal requesting termination of retransmission (ACK).

Referring to Claims 19 and 47, when the received C/I does not exceed a threshold, the mobile terminal reports a new data transmission rate to a base station in order to request the retransmission of the data packet.

Referring to Claims 24 and 52, when the received C/I does not exceed a threshold, the mobile station transmits a signal requesting retransmission (NACK) in order to request the retransmission of the data packet.

In *Padovani*, however, a measurement of a forward link signal is compared with a threshold to determine if the measurement of the signal is reported to a base station. That is, when a strength of a signal exceeds an add threshold or is less than a drop threshold, the mobile terminal according to *Padovani* reports a measurement of the signal to the base station. The base station determines a handoff of the mobile terminal according to the measurement of the signal. Also, col. 13, lines 12-16 of *Padovani*, reads as follows:

The decoder decodes the symbols and performs the frame check on the decoded packet to determine whether the packet was received correctly. If the packet was received in error or if the packet

was directed for another mobile station 6, the frame check would indicate a packet error.

As shown above, in *Padovani*, the operation of comparing the measurement of the signal with the threshold and the operation of checking the data error are separately performed. Therefore, the ACK/NACK signals can be transmitted after decoding data, regardless of the measurement of the signal. That is, *Padovani* does not disclose determining if data is decoded according to the measurement of the signal, or a transmission of the ACK/NACK signals.

Additionally, in the present invention, a C/I is measured from an AN to determine if a termination of retransmission is performed. However, col. 17, lines 59 to col. 8, lines 19 of *Padovani* cited by the Examination merely disclose a general retransmission. The reason for measuring “a set of parameters associated with forward signals” is that an AT notifies a forward status to the AN. (See col. 6, lines 5-67 of *Padovani*)

The Examiner states that there is no disclosure of an operation of terminating the retransmission in light of the above point in *Padovani*. Further, the Examiner states that *Laroia* discloses the above contents. However, it was then respectfully submitted that *Laroia* merely discloses a general ARQ scheme and it is also disclosed in Applicant’s Admitted Prior Art (AAPA).

Additionally, it was respectfully submitted that the Examiner’s rejection according to the combination of *Padovani* and *Laroia* is not reasonable, as *Padovani* and *Laroia* are different from each other, because the object and the construction for requesting the termination of the retransmission, as well as the operation of measuring the C/I, differ from each other.

In response to our previous arguments, the Examiner asserts that the argument that “*Padovani* does not disclose determining if data is decoded according to the measurement of the signal, or a transmission of the ACK/NACK signals” discusses limitations not recited in the claims. However, it is respectfully submitted that the Examiner is incorrect.

More specifically, as clearly recited throughout the previous response (shown above), it was argued that the current claims recite “when the received C/I exceeds a high-level threshold, the mobile station identifies the data packet where the probability to include an error is very low, and then directly transmits the signal requesting termination of retransmission (ACK)”, and “when the received C/I does not exceed a threshold, the mobile station transmits a signal requesting retransmission (NACK) in order to request the retransmission of the data packet”, which *Padovani* does not teach. That is, the claims clearly recite “a signal requesting termination of retransmission”, which for example, is an ACK, and “a signal requesting retransmission”, which for example, is a NACK. Further, “determining if data is decoded according to the measurement of the signal” clearly refers to “a received C/I of a forward pilot signal”. Therefore, it is respectfully submitted that the Examiner’s statement concerning the previous argument is incorrect and that the Examiner has improperly failed to consider the previous argument.

Further, in Claims 1 and 29, the Examiner asserts that the argument that “*Padovani* does not disclose a mobile station checks an error of a data packet only when a received C/I is higher than a threshold” discusses limitations not recited in the claims. That is, Claims 1 and 29 previously recited “checking for errors in the data packet in a received time slot if the received power is greater than the first threshold” and “a device for decoding a data packet in a received time slot and checking for errors in the decoded data packet if the received power is greater than the first threshold”, respectively. Therefore, as shown above, in order to be consistent, Claims 1, 3-6, 9, 11-13, 19, 21, 29, 31-34, 37, 39-41, 47, and 49 have been amended to correct the term “received power” to read “received C/I”.

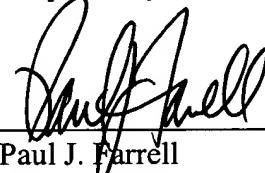
Accordingly, at least for the reasons stated above, it is respectfully submitted that independent Claims 1, 9, 19, 29, 37, and 47 are patentably distinct from *Padovani* and *Larioia*. Therefore, it is respectfully requested that the rejection of independent Claims 1, 9, 19, 29, 37, and 47 be withdrawn.

Additionally, Claims 8, 15, 23, 36, 43, and 51 have been amended to correct a typographical error contained therein.

Independent Claims 1, 9, 19, 29, 37, and 47 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-8, 10-15, 20-23, 30-36, 38-43, and 48-51, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-8, 10-15, 20-23, 30-36, 38-43, and 48-51 is respectfully requested.

In view of the preceding amendments and remarks, it is respectfully submitted that all pending claims, namely Claims 1-15, 19-23, 29-43, and 47-51, are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



Paul J. Farrell  
Reg. No. 33,494

Attorney for Applicant(s)

**DILWORTH & BARRESE, LLP**  
333 Earle Ovington Blvd.  
Uniondale, New York 11553  
Tel: (516) 228-8484  
Fax: (516) 228-8516  
PJF/DMO/las